

Appln. No. 10/783,587
Filing Date: February 20, 2004
Reply to Office action mailed March 31, 2010
Amendment dated July 6, 2010

REMARKS

Claims 22, 23, 25-39, 41-66, 68-83, 85-103, and 105-122 are pending in the Application and all have been rejected in the Office action mailed March 31, 2010. No claims are amended by this response. Claims 22, 38, 58, 65, 82, and 102 are independent claims, from which claims 23 and 25-37, claims 39 and 41-57, claims 59-64, claims 66 and 68-81, claims 83 and 85-101, and claims 103 and 105-121 depend, respectively.

The Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

M.P.E.P. §2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth “all reasons and bases” for rejecting the claims.

As noted above, no claims are amended by this response. Therefore, Applicants respectfully submit that this submission cannot raise new issues that necessitate a new search.

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Rejections of Claims

Claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, and 105-114 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman, et al. (US 5,737,328, “Norman”) in view of Chu, et al. (US 5,890,055, “Chu”) and Capps, et al. (US 7,086,008, “Capps”). Claims 34-36, 53-57, 59, 60, 77-79, 97-101, and 117-121 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman in view of Chu, Wadin (US 5,491,379), and Capps. Claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, and 116 were rejected under 35 U.S.C. §103(a) over Norman in view of Chu, Spiegel (US 5,649,108), and Capps. Applicants respectfully traverse the rejections. Applicants respectfully note that all of the claims in the Application are rejected for alleged reasons of obviousness.

Applicants first review the requirements for a rejection based upon obviousness. According to M.P.E.P. §2142, “[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.” M.P.E.P. §2142 further states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious.” As recognized in M.P.E.P. §2142, “[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” In addition, the Federal Circuit has made clear that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

In addition, as noted in the Manual of Patent Examining Procedure (Revision 7, July 2008), “[t]o establish *prima facie* obviousness of a claimed invention, **all the claim limitations** must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).” See MPEP §2143.03. (emphasis added) Further, “[a]ll

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words in a claim must be considered in judging the patentability of that claim against the prior art.' *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA)." *Id.* (emphasis added)

Thus, the law is clear that words of a claim cannot be merely disregarded during examination. Instead, all the words in a claim must be considered during the examination process.

Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness, for at least the reasons offered during prosecution, and those set forth below.

I. The Proposed Combination Of Norman And Chu Does Not Render Claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, And 105-114 Unpatentable

Claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, and 105-114 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman in view of Chu and Capps. Applicants respectfully traverse the rejection.

With regard to independent claim 22, Applicants respectfully submit that claim 22 recites "[a] method of operating a communication system, the method comprising: sending, by a first terminal via a communication link, a message requesting routing of a call from the first terminal to a second terminal; receiving, by the first terminal via the communication link, a message comprising call routing information identifying call routes through a network; selecting, at the first terminal, a call route based upon the call routing information, the selecting comprising providing a user of the first terminal with call routing options using the call routing information, and receiving from the user of the first terminal an indication of a selected call route; and transmitting, by the first terminal via the communication link, a message requesting setup of the call from the first terminal to the second terminal using the selected call route." Independent claims 38, 58, 65, 82, and 102 recite similar language. Applicants respectfully submit that the cited art does not teach or suggest all of the features of Applicants' claim 22.

For example, Applicants' claim 22 recites, *inter alia*, a method of operating a communication system, the method comprising: "sending, by a first terminal via a communication link, a message requesting routing of a call from the first terminal to a second terminal." The Office asserts that the "mobile unit (MU)" and "access point (AP) of FIG. 5 of Norman teach Applicants' claimed "system," and that Ref. 122 ("receive find router packet") of FIG. 10 teaches "sending, by a first terminal via a communication link, a message." See Office action at page 4. Applicants respectfully note that FIG. 10 of Norman is "a flowchart suitable for programming the operation of an access point in order to register a mobile unit." See *id.* at col. 5, lines 59-60. The actions illustrated by FIG. 10 are, therefore, from the perspective of the "access point" of Norman. Thus, any teaching of "receiving" a message relating to FIG. 10 is receiving by the "access point" from the "mobile unit" of Norman. Consistent with that interpretation, any teaching of "transmitting/sending" a message relating to FIG. 10 is transmitting by the "access point" to the "mobile unit" of Norman. Applicants respectfully submit, therefore, that the Office, by identifying Ref. 122 ("receive find router packet") of Norman as teaching Applicants' claimed "sending, by a first terminal via a communication link, a message..." is asserting that the "find router packet" received by the "access point" of Norman teaches Applicants' claimed "message" sent by the "first terminal" and therefore, that the Office is asserting that the "mobile unit" of Norman (which Norman teaches sends the "find router packet") teaches Applicants' claimed "first terminal." If the Office believes this interpretation of the rejection to be in error, Applicants respectfully request that the Office provide a clear and detailed explanation of how Applicants are misinterpreting the rejection and/or reference(s), by describing for each element of Applicants' claims which aspects of the reference(s) are being identified as teaching the claim element, should the Office choose to issue a subsequent rejection.

Applicants respectfully note that the Office concedes that "Norman does not disclose a communication link where a message requests routing of a call; selecting a call route; or requesting setup of the call." See Office action at pages 4-5. However, the

Office then relies upon Chu, citing only a passage that begins at col. 4, line 5. The Office action states the following, at page 6:

Chu teaches of requesting routing of a call; selecting a call route; and requesting setup of the call.(4:[0005] read Base station 110 i.e. access point, may be comprised of hardware and software components that perform call setup and switching functions for calls originated from i.e. requesting routing for a call, or destined for wireless end-user devices 10, 11, 12, 14, 50 and 51. The call setup and switching functions i.e. call route, of base station 110 include allocation and administration of radio channels for active wireless end-user devices, tearing down a connection at the end of a call, coordination of call hand-offs from one microcell site to another.))

(emphasis added)

The underlined text above is the only portion of Chu cited by the Office to support its assertion that Chu teaches the subject matter admittedly missing from Norman. As clearly evident, Chu at cited col. 4, lines 5-13 simply describes, at a very high level, the functions of a “base station 110,” that “performs call setup and switching functions” for calls “originated from or destined for wireless end-user devices 10, 11, 12, 14, 50 and 51.” While Chu mentions “call setup,” Chu is silent with regards to “call routing,” and fails to explicitly teach, suggest, or disclose anything about any messages that are used.

Applicants respectfully note that Applicants’ claim 22 recites three messages. The first of Applicants’ claimed messages, sent by Applicants’ claimed “first terminal,” requests “routing a call from the first terminal to [a] second terminal.” The second message, received by the “first terminal,” “compris[es] call routing information identifying call routes though a network,” and the third message, sent by the “first terminal,” requests “setup of the call from the first terminal to the second terminal using the selected call route.” Applicants respectfully submit that the cited portion of Chu at col. 4, line 5 fails to explicitly teach any of the claimed messages. Instead, the cited portion of Chu fails to make any mention of even a single message sent or received.

To the extent that the Office may be asserting that these aspects of claim 22 are inherent in the cited disclosure of Chu, Applicants respectfully disagree. To be inherent, it must necessarily be so. See M.P.E.P. §2112. The Office has not shown that Applicants' claimed messages are necessarily present in the cited disclosure of Chu, or any other part or illustration of Chu, and therefore has not met the support required for an obviousness rejection based on an assertion of inherency.

To the extent the Office may be relying upon an implicit assertion of Official Notice that such teachings were common knowledge to those of ordinary skill in the relevant art at the time of the invention, Applicants challenge the perceived assertion of Official Notice and any suggestion that such teachings, in the context of claim 22, were either obvious or common knowledge. That is, Applicants respectfully submit that Applicants' claimed "sending, by a first terminal via a communication link, a message requesting routing of a call from the first terminal to a second terminal" and "receiving, by the first terminal via the communication link, a message comprising call routing information identifying call routes though a network" in the context of claim 22 were neither well known nor obvious to one of ordinary skill in the relevant art at the time the invention was made. Applicants also respectfully submit that "transmitting, by the first terminal via the communication link, a message requesting setup of the call from the first terminal to the second terminal using the [user] selected call route" in the context of claim 22 was also not well known or obvious to one of ordinary skill in the relevant art at the time the invention was made.

Applicants respectfully submit that if such teachings had been common knowledge at the time the invention was made, they would have been revealed during the "thorough investigation of the available prior art" required by 37 C.F.R. §1.104, and that the Office would be obligated to identify any evidence of such teachings. Since no such prior art has been indentified by the Office, Applicants must assume that none could be found. Applicants respectfully submit that if instead the perceived assertion of Official Notice is based on personal knowledge of the Examiner, the Examiner must

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submit a signed affidavit attesting to the nature of such personal knowledge, as required by M.P.E.P. §2144.03 and 37 C.F.R. §1.104(d)(2), or withdraw the rejection.

Therefore, based at least upon the above, Applicants respectfully submit that the Office has not demonstrated that Chu teaches, suggests, or discloses, at least, “a communication link where a message requests routing of a call; selecting a call route; or requesting setup of the call,” which the Office has admitted is not taught by Norman. In addition, the Office does not assert that Capps, or any other reference, teaches, suggests, or discloses this subject matter of claim 22 admittedly missing from Norman.

Therefore, because the Office has admitted that Norman does not teach, at least, “a communication link where a message requests routing of a call; selecting a call route; or requesting setup of the call,” and Applicants have demonstrated that the Office has not shown that Chu teaches at least these aspects of claim 22 admittedly missing from Norman, and the Office does not assert that Capps teaches the missing aspects, it necessarily follows that the proposed combination of references cannot teach at least these aspects of claim 22. Applicants respectfully therefore submit that the Office has not shown that the cited art teaches, suggests, or discloses all aspects of claim 22, as required by M.P.E.P. §§2143.03 and 2142, and that the Office has therefore not established a *prima facie* case of obviousness with respect to claim 22, as required by M.P.E.P. §2142. Applicants further respectfully submit that the cited art does not render claim 22 unpatentable, and that claim 22, and any claims that depend therefrom, are allowable over the cited art for at least the reasons set forth above. Applicants respectfully submit that claim 22 is allowable for at least an additional reason.

Applicants’ claim 22 also recites “receiving, by the first terminal via the communication link, a message comprising call routing information identifying call routes through a network. The Office action rejects this aspect of claim 22 at page 4, stating:

Norman teaches of a method of operating a communication ... comprising: ... receiving by a first terminal via the communication link a message comprising call

routing information identifying one or more calls through a network; selecting at a first terminal a call route based upon the call routing information; (16:[0061] read [t]urning now to FIG. 10, the registration procedure from the perspective of each of the access points 42 will now be described beginning with step 120. The registration routine is executed by the processor 56 in the access point. In step 122, the processor 56 determines whether a "find router" packet has been received via the RF section 60 i.e. receiving via the communication link a message comprising routing information, from a mobile unit as discussed above in connection with step 102 in FIG. 9. If not, the processor 56 executes a loop around step 122 until such time as a "find router" packet is received as discussed above in connection with steps 104 and 106 in FIG. 9).

(emphasis added)

By the above, the Office is asserting that Norman at col. 16, line 61 teaches Applicants' claimed "receiving by a first terminal via the communication link a message comprising call routing information identifying one or more calls through a network." Applicants respectfully submit that the portion of Norman at col. 16, line 61, specifically selected by the Office and made part the language of the rejection, relates to the actions of the "access point" of Norman, and teaches a process where the "access point" determines whether a "find router packet" has been received. The only teaching of "receiving" in the cited portion of Norman beginning at col. 16, line 61 is that of receiving by the "access point" of Norman. Therefore, Applicants respectfully submit that the Office now asserts that the "receiving" recited by claim 22 as being performed by Applicants' claimed "first terminal" is allegedly taught by "receiving" described by Norman as being performed by the "access point" of Norman, and therefore that Applicants' claimed "first terminal" is allegedly taught by the "access point" of Norman, contrary to the earlier identification of the "mobile unit" of Norman as teaching Applicants' claimed "first terminal." If the Office believes this interpretation of the rejection to be in error, Applicants respectfully request that the Office provide a clear and detailed explanation of how the Applicants are misinterpreting the

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rejection and/or reference(s), by describing for each element of Applicants' claims which aspects of the reference(s) are being identified as teaching each claim element, should the Office choose to issue a subsequent rejection.

Therefore, for at least the reasons set forth above, Applicants respectfully submit that the Office is inconsistently interpreting the teachings of Norman, by changing the element of Norman that allegedly teaches Applicants' claimed "first terminal," and that such inconsistency precludes establishment of the *prima facie* case of obviousness required by M.P.E.P. §2142, that claim 22 is therefore not rendered unpatentable by the cited art, and that claim 22, and any claims that depend therefrom, are allowable for at least this additional reason. Applicants respectfully submit that claim 22 is allowable over the cited art for at least an additional reason.

Applicants respectfully submit that Applicants' claim 22 also recites, *inter alia*, the feature "selecting, at the first terminal, a call route based upon the call routing information, the selecting comprising providing a user of the first terminal with call routing options using the call routing information, and receiving from the user of the first terminal an indication of a selected call route." Applicants respectfully note that, as previously discussed, the Office has identified the "mobile unit" of Norman as teaching Applicants' claimed "first terminal." The Office rejects this feature of claim 22 at page 4, stating:

Norman teaches of a method of operating a communication system ... comprising: ... selecting a route based upon the call routing information; (20: [0003] read FIG. 12 illustrates the routine executed by the processor 56 in each access point 42 in order to update the contents of the "current location" table, beginning in step 148. Following step 148, the processor 56 proceeds to step 150 where it checks whether a current location information packet has been received from one of the access points 42. If not, the processor 56 continues to loop through step 150. If yes, the processor 56 temporarily stores the packet in the memory 58 and proceeds to step 152. The processor 56 in step 152 reads the data in the data field of the current location information packet to determine which mobile unit locations

are being updated i.e. selecting a call route based upon the call routing information)

In rejecting this aspect of claim 22, the Office cites FIG. 12 and a portion of Norman beginning at col. 20, line 3. Norman describes cited FIG. 12 as “a flowchart suitable for programming the operation of an access point in order to store and update current location information regarding the various mobile units in its current location table.” See *id.* at col. 5, line 66 to col. 6, line 2. The cited disclosure beginning at col. 20, line 3 simply describes the operation of the “access point” as illustrated in FIG. 12.

Applicants respectfully submit that claim 22 is clear that the “selecting” of a “call route” occurs “at the first terminal,” that “call routing information” is “received by the first terminal” and, therefore, that the “selecting” occurs “at the first terminal” based upon the “call routing information [received by the first terminal].” Claim 22 is further clear that the “selecting” comprises providing “a user of the first terminal” with “call routing options” using the “call routing information [received by the first terminal].”

However, as demonstrated above, the Office cites teachings relating to operation of the “access point” rather than those of the “mobile unit” of Norman, which the Office previously identified as teaching Applicants’ claimed “first terminal,” and fails to provide any explanation of how the cited teachings purportedly apply to actions of the “mobile unit” of Norman, in order to teach Applicants claim feature. Therefore, Applicants respectfully submit that the Office does not show that Norman teaches that the “mobile unit,” which the Office asserts teaches Applicants’ claimed “first terminal,” performs the claimed “selecting” that Applicants’ claim 22 requires be performed at the “first terminal.” Applicants respectfully submit that the interpretation of the cited teachings of Norman used by the Office in the rejection of this aspect of claim 22 is again inconsistent with the interpretation of teachings of Norman used in rejecting other aspects of claim 22, as discussed above.

Therefore, for at least the reasons set forth above, Applicants respectfully submit that the Office is again interpreting the teachings of Norman in a manner that is

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inconsistent with earlier arguments by the Office by changing the element of Norman that allegedly teaches Applicants' claimed "first terminal" from that used earlier, and that such inconsistency in interpreting the teachings of Norman precludes establishment of the *prima facie* case of obviousness required by M.P.E.P. §2142. Therefore, Applicants respectfully submit that claim 22 is not rendered unpatentable by the cited art, and that claim 22, and any claims that depend therefrom, are allowable over the cited art for at least this additional reason. Applicants respectfully submit that claim 22 is allowable over the cited art for at least an additional reason.

Applicants appreciate recognition in the Office action that Norman does not "provide a user with call routing options using the call routing information; and receiving from the user an indication of a selected call route." See Office action of March 31, 2010 at page 5. The Office then relies upon Capps, stating at page 5 that:

Chapps [sic] teaches of providing a user with call routing options using the call routing information; and receiving from the user an indication of a selected call route (16: [0046] read Routing options for a note document are accessed i.e. providing a user of the first terminal with call routing options when the user taps a routing action button 372 to display a routing menu 374 listing four routing actions (printing, faxing, beaming, and mailing) together with "duplicate" note and "delete" note actions. Putting the screen interface of FIG. 14 in the context of the process depicted in FIG. 13, one can see that when the user taps button 372 decision step 342 is answered in the affirmative i.e. receiving from the user of the first terminal an indication of a selected call route. Then, the menu listing available routing transactions is displayed as menu 374 in FIG. 14 (in accordance with step 344).....

As shown above, the Office identifies a portion of Capps beginning at col. 16, line 46 as disclosing the aspects of claim 22 admittedly absent from Norman. Applicants respectfully note that, contrary to the assertion by the Office that "Chapps [sic] teaches of providing a user with call routing options...," neither the cited portion of Capps beginning at col. 16, line 46, nor any other text or figure from Capps teaches, suggests,

or discloses “call routing options,” as claimed. Instead, Capps teaches “routing actions” for a “note document.” Applicants respectfully submit that Capps never discloses “call routing options,” and makes reference to “routing options” only once, at col. 16, line 46, in discussing “[r]outing options for a note document....” In contrast, Capps uses the phrase “routing action(s)” seven times, explaining that “routing actions” include “printing, faxing, beaming, and mailing) together with "duplicate" note and "delete" note actions.” *Id.* at lines 48-50. Applicants respectfully submit that a “note document” is quite different from and does not teach, suggest, or disclose a “call,” as claimed, and that the disclosure of “routing action(s)”/“note actions” by Capps does not teach, suggest, or disclose the features “routing of a call,” “call routing information,” and/or “call routes though a network,” of claim 22. Instead, Applicants respectfully submit that the “note actions”/“routing actions” of Capps simply disclose what is to happen to a “note document.” The failure of Capps to teach what is alleged is even more clear when one considers the nature of the “note action(s)”/“routing action(s)” disclosed by Capps, such as, for example, “printing,” “faxing,” “beaming,” “duplicate,” and “delete,” which are not “call routes” and do not apply to “calls,” in accordance with claim 22. Further, for at least the same reasons, the disclosure of a user selecting a “note action”/“routing action” for a “note document” does not teach, suggest, or disclose user selection of a “call route,” in accordance with claim 22.

Therefore, for at least the reasons set forth above, Applicants respectfully submit that Capps does not remedy the admitted shortcomings of Norman, and that the proposed combination of Norman and Capps does not teach, suggest, or disclose, at least, “provide a user with call routing options using the call routing information; and receiving from the user an indication of a selected call route,” which the Office conceded is not taught by Norman. Further, the Office does not assert that any other art of record overcomes the deficiencies of Norman and Capps in this regard. Applicants therefore respectfully submit that the Office has not demonstrated that the proposed combination of references teaches these admittedly missing aspects of claim 22, that the proposed combination of references does not teach all aspects of Applicants’ claim 22, and that

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the Office has not established a *prima facie* case of obviousness with respect to claim 22, as required by M.P.E.P. §2142. Applicants respectfully submit, therefore, that the cited art does not render claim 22 unpatentable for at least the reasons set forth above, and that claim 22, and any claims that depend therefrom, are allowable for at least this additional reasons.

With regard to independent claim 65, Applicants respectfully submit that claim 65 was rejected for the same reasons citing the same art used in the rejection of claim 22, and that claim 65, and therefore any claims that depend therefrom, are allowable for at least some of the reasons set forth above.

With regard to independent claims 38, 82, and 102, Applicants respectfully submit that claims 38, 82, and 102 recite features similar to those of claims 22 and 65, that claims 38, 82, and 102 are rejected for the same reasons over the same art used in rejecting claims 22 and 65, and that claims 38, 82, and 102 are allowable over the cited art for at least some of the reasons set forth above with respect to claims 22 and 65. Further, claims 39 and 41-57, claims 83 and 85-101, and claims 103 and 105-121 that depend from allowable claims 38, 82, and 102 are also allowable over the cited art, for at least the same reasons.

Accordingly, Applicants respectfully request that the rejections of claims 22, 23, 25-31, 38, 39, 41-50, 61-66, 68-74, 81-83, 85-94, 102, 103, and 105-114 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

II. The Proposed Combination Of Norman, Chu, Spiegel, And Capps Does Not Render Claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, And 116 Unpatentable

Claims 32, 33, 37, 51, 52, 58, 75, 76, 80, 95, 96, 115, and 116 were rejected under 35 U.S.C. §103(a) over Norman in view of Chu, Spiegel, and Capps. Applicants respectfully traverse the rejection.

With regard to independent claim 58, Applicants respectfully submit that claim 58 recites limitations similar to those of claims 22, 38, 65, 82, and 102, that the rejection of claim 58 does not specifically address all of the features of claim 58, that claim 58

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recites features similar to those of claims 22, 38, 65, 82, and 102, and that all of independent claims 22, 38, 58, 65, 82, and 102 are rejected based upon a combination of references that includes Norman, Chu, and Capps. Applicants have shown above that claims 22, 38, 65, 82, and 102 are allowable over the proposed combination of Norman, Chu, and Capps. Applicants respectfully submit that claim 58 is also allowable over the proposed combination of references, in that the Office fails to assert that Spiegel remedies any of the shortcomings of Norman, Chu, and Capps set forth above with respect to the features of claims 22, 38, 65, 82, and 102 shared by claim 58. For at least these reasons, Applicants respectfully submit that claim 58, and therefore claims 59-64 that depend from claim 58, are allowable over the cited art. Accordingly, Applicants respectfully request that the rejection of claim 58 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III. The Proposed Combination Of Norman, Chu, Wadin, And Capps Does Not Render Claims 34-36, 53-57, 59, 60, 77-79, 97-101, And 117-121 Unpatentable

Claims 34-36, 53-57, 59, 60, 77-79, 97-101, and 117-121 were rejected under 35 U.S.C. §103(a) as being unpatentable over Norman in view of Chu, Wadin, and Capps. Applicants respectfully traverse the rejection. Applicants respectfully submit that claims 34-36, claims 53-57, claims 59 and 60, claims 77-79, claims 97-101, and claims 117-121 depend, directly or indirectly, from independent claims 22, 38, 58, 65, 82, and 102.

Applicants respectfully submit that independent claims 22, 38, 65, 82, and 102 are allowable over the proposed combination of references in that the Office has not asserted that Wadin remedies the deficiencies of Norman, Chu, and Capps set forth above. Because claims 22, 38, 65, 82, and 102 are allowable over the proposed combination of references, Applicants respectfully submit that claims 34-36, claims 53-57, claims 77-79, claims 97-101, and claims 117-121 that depend from claims 22, 38, 65, 82, and 102 are also allowable over the cited art, for at least the same reasons.

Applicants respectfully submit that independent claim 58 is allowable over the combination of Norman, Chu, Spiegel, Capps, and Wadin in that the Office has not asserted that Wadin overcomes the shortcomings of Norman, Chu, Spiegel, and Capps,

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set forth above. Because claims 59 and 60 depend from allowable claim 58, Applicants respectfully submit that claims 59 and 60 are also allowable over Norman, Chu, Spiegel, Capps, and Wadin for at least the reasons set forth above.

Based at least upon the above, Applicants respectfully submit that claims 34-36, 53-57, 59, 60, 77-79, 97-101, and 117-121 are allowable over the respective cited art, and respectfully request that the rejection of claims 34-36, 53-57, 59, 60, 77-79, 97-101, and 117-121 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

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Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, the Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of pending claims 22, 23, 25-39, 41-66, 68-83, 85-103, and 105-122 are in condition for allowance. Therefore, allowance of claims 22, 23, 25-39, 41-66, 68-83, 85-103, and 105-122 is respectfully requested.

The Commissioner is hereby authorized to charge any fees required by this submission, or to credit any overpayments, to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000 to resolve any issues.

Respectfully submitted,

Dated: July 6, 2010
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